

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CASE NO.: 09 CR 040/SLT

RASHEED FREEMAN, et. al.,

Defendant.

**DEFENDANT'S AFFIDAVIT IN SUPPORT OF MOTION FOR SUPPRESSION
OF IDENTIFICATION EVIDENCE**

RASHEED FREEMAN, being duly sworn, deposes and says:

1. I am the Defendant herein and submit my affidavit in support of the within application for an order suppressing the use by the Government in any criminal proceeding of any or all identification, including but not limited to the show-up identification of defendant in front of 195-25 Carpenter Ave, Queens, NY, on or about January 9, 2009, on the ground that said identification procedures were unduly suggestive and in violation of my due process rights under the United States Constitution.

2. On or about December 9, 2009, police officers of the New York Police Department drove up alongside me while I was walking along Carpenter St. heading towards my home that I shared with my girlfriend. As the officers drove up beside me they shined their spotlight in my face and began asking me some questions. I continued to walk along Carpenter St., not answering any of the officers questions, and the officers drove up ahead of me, to the corner of Carpenter St., and Hiawatha St..

3. As I tried to avoid being struck by the officers' vehicle as they attempted to drive the car in front of my path, I attempted to cross the street. As I was crossing the street one of the officers jumped out of the car and tackled me. As the officer forced me to the ground, the other officer joined his partner. While the officers were forcing me to the ground, I was struck by a police radio numerous times on my forehead. After I was handcuffed, I was searched. The officers discovered a black bag containing money, some of which had been stained by a red dye. in addition to miscellaneous papers and various other items.

Rasheed Freeman
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4. After being stopped by the police, I was handcuff and sat in front of a residence on Carpenter Street. While I was sitting in front of that residence, I overheard one of the officers calling on his police radio for backup. Shortly thereafter, several other police vehicles, marked and unmarked, drove onto Carpenter Street, including an Emergency Services Unit truck and an EMS ambulance.

5. As I sat in front of the residence on Carpenter Street the police continuously attempted to question me. I told them that I did not wish to speak to them. Even though I was visibly injured the officers would not allow the EMS technicians to treat me. The entire time I was restrained on Carpenter Street by the police, I was handcuffed with my hands behind my back, seated on the ground. After about one and one-half hours, I was taken from Carpenter Street to the police station where I was processed and then finally treated by EMS. From the station, I was transported to the hospital, where I received liquid stitches in my forehead for my wound.

6. I have been advised by my attorney that in his opinion the identification procedure and the circumstances surrounding the identification was unduly suggestive and violated my due process rights as well as other constitutional rights that I possess under the Constitution of the United States.

7. Your affiant respectfully urges that this application to suppress be granted and that the Government be estopped from using said items in any criminal proceeding, as well as any information gleaned therefrom.

/s/ Rasheed Freeman,
RASHEED FREEMAN